IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 7387 of 2003

And

WRIT PETITION NO. 14019 OF 2003

WRIT PETITION NO : 7387 of 2003

Between:

E. Shankaraiah, s/o. late E. Ramaiah, Aged about 43 years, Occ; Driver, E-650987, R/o. Village Kuntapally , Mandal Sangam, District Warangal.

..... PETITIONER

AND

1. The Managing Director, APSRTC, Mushirabad, Hyderabad
2. Regional Manager, APSRTC, Warangal Region, Warangal
3. Depot Manager, APSRTC, Narsampet Depot, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus, or any other appropriate writ, order or directions, declaring the action of the respondents in disengaging the petitioner and depriving his livelihood and violating the fundamental rights guaranteed under Article 14, 19

and 21 as arbitrary, unconstitutional, contrary to law, opposed to public policy and against the principles of natural justice, and consequently direct the respondents herein to re-instate the petitioner as Driver in Warangal Depor-I, Warangal Region and to pay all his back wages considering his seniority and all other service benefits and pass

Counsel for the Petitioner: Mrs.TARA SHARMA

Counsel for the Respondents : M/s. G. Jyothi Kiran

-

-

-

-

WRIT PETITION NO : 14019 of 2003

Between:

1 K. Veera Chary,S/o Sathaiah
E-650973,R/o Nekkonda V & P, Nekkonda Mandal, Warangal Dist.
2 Sk. Shabbeer, S/o. Ankoosh
3 G Srinivas,S/o. Narayana
4 B. Bangya, S/o.Deshya
E-651006 R/o. Rajavaram Post, Station Ghanpur Mandal, Warangal Dist.
5 D. Ramakrishna,S/o. Bikshamaiah
E-506381, R/o. Perumandla Sankeesa Dornakal Mandal, Warangal Dist.
6 T. Satya Narayana,S/o. Pentaiah, E-650980,

Post Siddenkey Village, Choudiripalli Mandal, Jangaon, Warangal Dist.
7 G. Venkateshwarlu,S/o. Mallaiah
E-651007, R/o. Gurijala Post, Chennaraopet Mandal, Warangal Dist.
8 B. Hachya, E-65099, R/o. Post Muthojipeta, Narsampet Mandal,

Warangal Dist
9 K. Chandra Mouli , R/o. Warangal
10 K. Ashok Reddy,S/o Malla Reddy
Post Jally, Mandal Chennarao pet, Warangal Dist.

..... PETITIONERS

AND

1 The Vice Chairman & Managing Director APSRTC, Mushirabad, Hyderabad.
2 The Regional Manager APSRTC, Warangal Region, Warangal.
3 The Depot Manager, Narsampet Depot, Narsampet, Warangal Dist.
4 The Depot Manager Mahabubabad Depot, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in disengaging the petitioners and depriving their livelihood and violating their fundamental rights guaranteed under Article 14,19 and 21 as arbitrary, unconstitutional, contrary, to law, opposed to public policy and against the principles of natural justice, consequently direct the respondents herein to re-instate the petitioners as Drivers in Warangal Region and to pay all their back wages considering their seniority and all other service benefits and pass

Counsel for the Petitioner: SMT.TARA SHARMA

Counsel for the Respondents : M/s. G. Jyothi Kiran

The Court made the following :

COMMON ORDER:

These two writ petitions are being disposed of by a common order as the contentions in both the writ petitions are similar.

The petitioners' seek to issue a writ of mandamus declaring the action of the respondents in disengaging them from the services as against the principles of natural justice and without considering their seniority.

The petitioners are working as drivers on casual basis in the respondent APSRTC Corporation. The grievance of the petitioners is that they are seniors to some of the other drives, but, the respondents are picking and engaging their juniors as drivers without giving any preference to their seniority. While admitting the writ petitions, this Court on 24-4-2003 & 15-7-2003 respectively granted interim directions directing the respondents that if any of the drivers who are juniors to the petitioners herein are engaged by the respondents, then the respondents shall also engage the petitioners.

Counters have been filed in both the writ petitions stating that in the case of the petitioner in WP No.7387 of 2003, the petitioner was selected from 28-8-1997 to 15-9-1997 and the petitioners in other WP No.14019 of 2003 were selected and engaged as drivers in the year 1998 in the respective depots of the region.

The learned counsel appearing on behalf of the respondents' states that the services of the petitioner in WP No.7387 of 2003 were utilized depending upon the workload available in the second respondent region and the services of other petitioners in WP No.14019 of 2003 were utilized in 2nd respondent region on temporary basis. It is also stated by the learned counsel for the respondents that the services of the petitioners will be engaged and regularised strictly as per the

seniority of the selection made to the drivers who are working on the daily wage basis.

Having regard to the facts and circumstances of the case, the respondents are directed to consider the case of the petitioners either to engage them on daily wage or for regularisation of their services strictly in accordance with the seniority as per the selected list. The writ petitions are accordingly disposed of. No order as to costs.

_____

V. ESWARAIAH, J

Dt.16-9-04

Kvrk

To

1 The Vice Chairman & Managing Director APSRTC, Mushirabad, Hyderabad.
2 The Regional Manager APSRTC, Warangal Region, Warangal.
3 The Depot Manager, Narsampet Depot, Narsampet, Warangal Dist.
4 The Depot Manager Mahabubabad Depot, Warangal Dist.

5. Two CD copies.

–

THE HON'BLE SRI JUSTICE V. ESWARAIAH

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

WRIT PETITION Nos.7387 & 14019 OF 2003

16th September 2004